



An
Coimisiún
Pleanála

Inspector's Report

PL-501548-DF-26

Development	Demolition of a shed, porch and entrance. Construction of an entrance, extension and associated site works
Location	Moortown, Oldtown, County Dublin, A45 FK40
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F26A/0256E
Applicant(s)	Rachel Cassidy & Ray Mulvany
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Rachel Cassidy & Ray Mulvany
Observer(s)	None.
Date of Site Inspection	2/9/2026
Inspector	Tony Quinn

1.0 Site Location and Description

- 1.1. The 0.37 ha site is located in Moortown, a rural area situated approximately 1km south of Oldtown Village, which is small settlement located east of Ashbourne in Fingal County Council. The site is linear in shape and commands a roadside location on the R122.
- 1.2. The site comprises a 3 bedroom, single storey, pitched roof dwelling, with an entrance porch to the south and adjoining shed to its western rear. The main elevation to the property faces south, with its gable facing the road. Within the site and immediately south of the dwelling and to its rear is an existing freestanding corrugated iron shed measuring 49 sqm in area. The nearest dwellings to the site are situated c.80m north of it and c180m south of it on the same regional road.

2.0 Proposed Development

- 2.1. The proposed development consists of the following: demolition of the adjoining shed to the rear (western elevation) and existing entrance porch to the south; erection of single storey extension to the rear of the property and to the south of the dwelling; new entrance porch facing the regional road; lowering of roof of existing building involving removal of chimney stacks; and creation of a new access in place of the existing one, which will be closed off.
- 2.2. The above proposed modifications result in converting a single storey, 3 bedroom dwelling (c.97 gross sqm inclusive of adjoining rear shed) into a single storey, 4 bedroom dwelling (c.180 gross sqm). If the existing rear adjoining shed (21 sqm) is included as part of the existing footprint the proposed extension will increase the gross floorspace of the dwelling by 84%. The proposed development also involves creating a new access south of and in place of the existing one, which will be closed off.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Fingal County Council cited one reason for refusal. The proposed development, by reason of its inappropriate scale, mass, and form in particular the extension along the

southern side elevation of the existing dwelling and its prominent positioning on the southern elevation would result in an overbearing and visually intrusive form of development that distorts the shape, form and overall mass of the existing dwelling and fails to appropriately integrate with the existing structure or respect the rural character of the surrounding area. As such, the proposed development as designed would contravene Policy SPQHP41 'Residential Extensions' & Objective SPQHO45 'Domestic Extensions', would seriously detract from the visual amenity of the area and would be contrary to the aims and objectives of the Fingal Development Plan 2023-2029. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

3.3. Planning Authority Reports

3.3.1. Planning Report

The Planning Report expressed concerns for the overall scale, massing and orientation of the proposed development, particularly the orientation of the extension on the southern elevation as opposed to the rear (western elevation). While revisions to the previous refusal F25A/0155E were a substantive improvement, as acknowledged in the pre-planning advice note (Ref: FPP000767), the planning department still considers that the proposed development distorts the shape, form and overall mass of the existing dwelling. Accordingly, it would not appear subservient to the host dwelling and would negatively impact the residential amenity of the surrounding area. Added to this, the report stated that the proposed site is open to views from the public road to the east and therefore the prominence of the extension along the southern elevation, when viewed from the R122 Regional Road, contributes significantly to visual impact. Therefore, the report considered that the proposed development contravenes Policy SPQHP41 'Residential Extensions' and Objective SPQHO45 'Domestic Extensions'.

3.3.2. Other Technical Reports

The Transportation Planning Section and Water Services Department were both consulted on the application and both had no objection subject to conditions. The former recommended that the front boundary fence line should be set back a minimum of 2.4m

from the road carriageway edge, as opposed to 1.5m shown on the plans, in order to secure sightlines. The latter stipulated that no surface water/rainwater should enter the foul sewage system. To this end, all new areas contributing to rainwater runoff shall be discharged to SuDS (sustainable drainage systems). In respect of the latter requirement the proposed layout incorporates planters to perform this function.

3.4. Prescribed Bodies

No prescribed bodies were consulted on the application.

3.5. Third Party Observations

None

4.0 Planning History

4.1. Two similar applications for this proposed development were recently refused permission on similar grounds. These relate to Application Refs: F25A/0155E and F25A/0696E. The differences between these refusals and the appeal proposal are considered later in the Assessment section of this report.

4.2. Subsequent to the refusal of Application F25A/0155E a pre-planning meeting was held for Application F25A/0696E in June 2025. Its contents are equally considered in the Assessment section of this report.

5.0 Policy Context

5.1. Development Plan

Under the Fingal County Development Plan 2023 – 2029 (CDP) the site of the proposed development is located in an area designated with Zoning Objective 'RU - Rural', which seeks to '*Protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage*'.

The site is located in an area characterised as 'low lying Agriculture' landscape character type. Low Lying Character Type has an open character combined with large field patterns, few tree belts and low roadside hedges. The main settlements located within the landscape area include Oldtown, Ballyboughal and Lusk and parts of

Malahide and Donabate. Table 9.3 in the CDP states that these areas are of modest landscape quality and of low landscape sensitivity. This is the lowest landscape ranking in this table.

Policy SPQHP45 on Rural Housing seeks to provide viable options for the rural community through the promotion of appropriate sustainable growth of the rural villages and clusters, balanced by carefully controlled residential development in the countryside.

Section 14.12.3 of the CDP outlines Design Guidelines for Rural Dwellings. Under siting and design it states that *“If any structures exist on the proposed site, then consideration should be given to their re-use, adaptation, and extension in preference to new build.”*

Section 14.12.13 of the CDP relating to Extensions to Rural Dwellings states that *“Extensions of a reasonable or modest size may be acceptable, subject to the proposed extension respecting the character, scale, and proportions of the existing dwelling, and subject to the availability of necessary services and protection of the visual amenities of the area.”*

The CDP also contains a standard policy and objective for residential extensions across the county. Policy SPQHP41 – Residential Extensions aims to *“Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.”* Objective SPQHO45 – Domestic Extensions aims to *“Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.”*

5.2. Relevant National or Regional Policy / Ministerial Guidelines

Having regard to National Policy Objective 19 of the National Planning Framework the subject site is in a rural area that is not the subject of urban influence.

5.3. Natural Heritage Designations

There are no natural heritage designations on or in the vicinity of the subject site.

6.0 EIA Screening

- 6.1. This proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

7.0 The Appeal

7.1. Grounds of Appeal

The agent on behalf of the applicant outlined the following grounds of appeal:

- The orientation of the existing building, with its gable facing the road, is characteristic of many rural dwellings in north County Dublin. It dates from 1910 and was extended in the 1970s.
- The applicants have resided in the dwelling for the past three years in substandard conditions relative to modern standards. This is confirmed by the building condition survey which pointed to the need for a new roof, replacement of all floors and defective windows, as well as insulation to the walls, attic and floors. There is a requirement for additional living and bedroom space for two adults and three children.
- Contrary to the desire of the Council, the applicant wishes to retain the rear land to the west of the existing dwelling as private open space, as opposed to facilitating an extension in this direction.
- From a design perspective, the provision of a new elevation to south-facing traffic is preferable to the development of a bland gable elevation associated with a rear extension.

- The new vehicular entrance will replace the existing one, which is substandard in terms of its setback and sightline.
- The extension of an existing dwelling dating from 1910 is a preferable design response to demolition and replacement.
- This is the third refusal of an extension to this dwelling despite pre-planning consultation.
- The existing dwelling is not very distinctive or attractive and existing extensions to the front and rear are not well integrated. It requires a complete renovation and extension to produce a quality modern home with an attractive appearance.
- A south-facing extension benefits from passive solar gain and allows the family enjoy views of their large paddock area.
- The proposed extension does not affect the residential amenity of neighbouring properties as there are none close by. The introduction of a new south-facing elevation will actually improve the visual amenity of the area when viewed from the public road as it would be a positive feature of the dwelling.
- The scale and massing of the proposed dwelling is not excessive but moderately sized as a low, single storey unit to accommodate a family of 5.
- The reason for refusal and its reference to policies SPQHP41 and SPQHO45 is not tenable having regard to the above points. The proposal will not be injurious to both residential amenity and visual amenity.

7.2. Planning Authority Response

In its correspondence dated 11th July 2026 the Council stated it had no further comment to make. In the event that the appeal is successful it stated the requirement for a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

7.3. **Observations**

An Taisce, the Heritage Council and the Development Applications Unit of the National Parks and Wildlife Service were consulted on this application by An Coimisiún Pleanála, as it may have an effect on Rogerstown Estuary Special Area of Conservation and Special Protection Area, as well as the Malahide Estuary Special Protection Area. No responses were received from these bodies.

8.0 **Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

Principle of development

Planning history

Layout and design

Each of these subject matters is considered below.

Principle of development

The principle of redeveloping and extending this rural dwelling is open to consideration at this location. By modern standards the existing dwelling is of minimum size (just under 100 gross sqm) and the desire to convert from a three bedroom to a four bedroom family property (180 gross sqm) for a family of five is understandable and reasonable. The site visit revealed that the property is quite dated in nature and in need

of improvement for modern occupation, as verified by the applicant's Building Condition report.

Planning history

The planning history pertaining to this site relates to Application Refs: F25A/0155E and F25A/0696E. Subsequent to the refusal of Application F25A/0155E a pre-planning meeting was held for Application F25A/0696E in June 2025. It is worth recalling the deliberations of this meeting. The following recording was made in respect of the latter application.

"Firstly, the applicant has reduced the depth of the side extension from the existing southern elevation from c. 13.5m to c. 9.5m. The applicant has also reduced the ridge height of this side extension from c. 4.7m to c. 4.35m. Furthermore, the applicant has reduced the maximum width of the side extension from c. 8.7m to c. 6.9m. The Planning Officer welcomes these amendments to the side extension and considers them to substantially address the refusal reason of the previous application."

Comparison of the drawings for the preceding application F25A/0696E with the appeal proposal indicates that the depth of the southern extension has been reduced further to 6m while the ridge height of the proposed extension has remained roughly the same at 4.4m. However, the floor area of the southern extension has increased from 53 sqm to 81 sqm due to the extension being squared off with the existing building.

The pre-planning advice continued:

"While the Planning Officer does not anticipate any significant impact on residential amenity from the proposed rear single-storey flat roof extension, concerns are noted regarding its visual impact - particularly due to the proposed parapet height, which would rise approximately 1.15m above the existing northern side wall. Although much of the extension would be screened from the roadside boundary, the applicant is

advised to reconsider the roof design to ensure the rear extension would be less visible from this vantage point.”

The northern rear extension in the appeal proposal now stands 2.85m tall, which appreciably mitigates its visual impact.

The planning history demonstrates that repeated efforts have been made to make the proposed development more acceptable to the planning department. However, the focus on extending southwards rather than westwards to the rear remained the main source of contention with the Council and this is considered further below.

Layout and design

- 8.1. The applicant has chosen to renovate and extend the existing dwelling as opposed to replacing it entirely. However, given the scale of the extension, which amounts to an 84% increase in floorspace (97 gross sqm to 180 gross sqm) the proposal is akin to a redevelopment of the property rather than purely an extension. Not only is the existing porch and rear extension shed being demolished but the existing roofs and chimneys are also being demolished to facilitate a reduction in the ridge height from 5m to 4.4m so that it aligns with the proposed extension. On this point it should be noted that the applicant submitted a Building Condition report with the application which recorded that the roof construction, roof coverings & ceilings are in a state of disrepair and require a complete upgrade. This element of the redesign differs from the previous application F25A/0696E, which retained the existing pitched roof at 5m.
- 8.2. It is the very scale of the works, massing and southwards orientation of the extension which the Council has taken issue with. Section 14.12.13 of the CDP relates to extensions to rural dwellings and states that extensions should be reasonable or modest in size while respecting the scale of the existing dwelling. Based purely on the percentage uplift in floorspace, the proposal can hardly be described as modest in scale relative to the existing dwelling. However, relative to the size of many modern rural dwellings, the size of the proposed dwelling (180 gross sqm) for a family of five does seem reasonable. Added to this, it is arguable that the reduction in ridge height from 5m to 4.4m for the entire dwelling constitutes a reduction in the scale of the proposal.

- 8.3. Moreover, it would be inaccurate to simply describe the application purely as an extension of a rural dwelling. The application description listed a range of works specifying the extent of demolition involved and these indicated that the proposed development was more than a modest extension. In this regard, it is important to recall Section 14.12.3 of the County Development Plan relating to rural housing. Under siting and design it states that *"If any structures exist on the proposed site, then consideration should be given to their re-use, adaptation, and extension in preference to new build."* There is little doubt that a new build replacement dwelling on this site would be open to consideration. When viewed in this context, recognition needs to be accorded to the redevelopment merits of the application, which largely focuses on building on the footprint of the existing dwelling. Weight also needs to be attached to the fact that, in terms of scale and massing, the height of the single storey dwelling is being reduced from 5m to 4.4m, which will assist in promoting its integration in this rural location.
- 8.4. The Council are also keen to direct the bulk of any extension to the rear of the existing dwelling on its western elevation, thereby helping to screen it from views from the regional road. The site is most visible to views on travelling north on the regional road, with existing planting and the configuration of the road reducing its visibility on travelling south. This is a laudable objective by the Council but it is questionable whether the extension of the dwelling on its southern elevation would seriously detract from the visual amenity of this area. There are number of points here which underpin this opinion. The ridge height of the single storey extension (4.4m) ties in with the reduced ridge height (4.4m) of the existing single storey dwelling. The site is linear in shape and expansive enough (0.37 ha) on a north-south axis to absorb the extension so that it integrates into the landscape. The dwelling does not possess any architectural merit which would warrant a presumption against extending in this direction. The nearest dwelling to the south of the site is over 150m away so there are no implications for residential amenity. Finally, the countryside in which it is located is of low landscape sensitivity to change. When viewed in this light, together with the fact that a theoretical application for a replacement dwelling on this site might very well entail a floor area of the size proposed, the scale and massing of the proposal extension is considered acceptable.
- 8.5. Having stated the above, it is considered that the cut stone cladding to the southern extension, which is proposed for the southern elevation and eastern elevation of the

extension, is not in sympathy with the existing building and should be replaced with a wet dash plaster finish in keeping with the existing finish. The cut stone finish to the rear western elevation of the extension is screened from public vantage points and is considered acceptable for this reason.

- 8.6. In terms of the proposed new vehicular access, this will involve closing off the existing one and moving further from the bend on this 80km/h regional road. It constitutes a traffic safety improvement in this regard. The site inspection revealed that a wide verge and ditch exist along the site's roadside frontage, which augurs well for sightline compliance.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is located approximately 8.4 kms from the nearest European Site, namely Rogerstown Estuary Special Area of Conservation (SAC).
- 9.3. The proposed development comprises the redevelopment and extension of a rural dwelling.
- 9.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is the small scale and nature of the development; together with its distance from the nearest European site.
- 9.5. I conclude that, on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located approximately 550m south of a tributary of the Ballyboughal River, which flows into Rogerstown Estuary.

- 10.2. The proposed development comprises the redevelopment and extension to an existing dwelling.
- 10.3. No water deterioration concerns were raised in the planning appeal.
- 10.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- the small scale and nature of the development; and
 - The distance from nearest water bodies.
- 10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

- 11.1. Having regard to the foregoing it is recommended that planning permission be granted for the proposed development for the reasons and considerations outlined below.

12.0 Reasons and Considerations

- 12.1. Having regard to the principle of renovating and extending this proposed development, together with its location, scale and nature, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenity of the area. In this regard, the proposed development is

consistent with Section 14.12.3 of the Fingal County Development Plan 2023 – 2029 relating to extensions to rural dwellings, which encourages adaptation rather than complete new build, and to Policy SPQHP41 and Objective SPQHO45 in the County Development Plan on residential extensions. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: in the interest of clarity

2. Prior to the commencement of the development revised plans and particulars shall be submitted to the planning authority to incorporate the following amendments:

(a) The proposed cut stone cladding finish to the southern and eastern facing elevations shall be replaced with a wet dash plaster finish.

Reason: in the interest of visual amenity

(b) The front boundary fence line with the regional road shall be set back a minimum of 2.4m from the road carriageway edge.

Reason: in the interest of traffic safety

3. The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the relocated entrance to the site.

Reason: in the interest of traffic safety

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of visual amenity

5. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: in the interest of public health.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site

Reason: in the interest of visual amenity

7. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: in order to safeguard the residential amenities of property in the vicinity

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended.

The contribution shall be paid within three months of the date of this Order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme

Reason: it is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.



Tony Quinn
Planning Inspector

4th September 2026

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	PL-501548-DF-26
Proposed Development Summary	Demolition of a shed, porch and entrance. Construction of an entrance, extension and associated site works
Development Address	Moortown, Oldtown, County Dublin, A45 FK40
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector:  Date: 4th September 2026